

**Robert H. Harrison to George Washington, April 5, 1770,
Letters to Washington and Accompanying Papers.
Published by the Society of the Colonial Dames of
America. Edited by Stanislaus Murray Hamilton.**

FROM ROBERT H. HARRISON, ESQ. ¹

Aprill 5th. 1770.

SIR

I am of Opinion that by the Common Law, you cannot divert the natural course of the Run by cutting of a Race through your own Land; It being stated by Mr. Washington that thereby J Barry would be deprived of Water necessary for his Cattle &c....As on the authorities ... 1 Bar Abgt 45—54-Carth 117-Com 69—5 Mod &c.²

I also am of Opinion that was a Jury by an Order of Court founded on a petition preferred by you, agreeable to the Directions of the Act of Assembly made in 1748³ ch. 26 (Vid the Act) to report that introducing a Race thro your Land, would deprive J Barry or the person Intitled to the Land from necessary water, that the Court would Reject your petition; and should they not do It, that Barry might maintain an Action upon his Case against you for any Damage or Injury sustained by means of your diverting of his water; and that for every new Injury which would probably happen once every year, he might maintain a New Action—I must therefore Advise you to obtain his consent by an Instrument of Writing for that purpose—If you should, you will still be Subject to the same Inconvenience from the Heir at Law or person Intitled to The Land after Barry's death unless you can procure his or her

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consent then or now, If of full age, as no Agreement of Barry can bind longer than his life
he being Tenant by the Courtesy only

I am, Sir Yr most Obedt H Servt ROB H: HARRISON

¹ Robert Hanson Harrison was born in Maryland, 1745; became Secretary to Washington, with the rank of Lieutenant-Colonel, November 6, 1775; was made Chief Justice of the Maryland General Court, March 10, 1781; and declined an appointment to the United States Supreme Court in 1789. He died at his home upon the Potomac in Charles County, Maryland, April 2, 1790.

² Barnardiston, Carthew, Comberbach, and Modern Reports.

³ Hening, vol. vi. p. 55.